

Appl No.: 10/649,288

Atty. Dkt.
PC-802**REMARKS/ARGUMENTS**

Favorable consideration of this application is respectfully requested. Applicant has amended claims 10, 11, 12, canceled claims 1-9, 19-24, and added new claims 43-61. Favorable reconsideration of this application is, consequently, earnestly solicited in view of the following remarks. Applicant gratefully appreciates the telephone consultations with the Examiner on May 25, and June 5, 2006.

As to the restriction requirement, Applicant has now canceled claims claims 1-9 and 19-24 along with previously canceled claims 25-42, and reserves the right to file divisional application(s) in the future on these claims.

Applicant has amended the claims to include language that is supported by applicant's provisional application which clearly predates the Kruse reference.

Specifically, the inclusion of "air" in independent claims 10, 48 and 58 was described in applicant's provisional application on at least pages 11, 12, 17. Fig. 2B of the provisional allows for the "air" to be of "varying quantities" and "varying air pressures." New dependent claims 43, 52, 55, and 60 now claim "compressed air..." The "collecting" step of new claims 46, 56 and 58 is also supported in the filing of the provisional application and is mentioned on at least pages 20 and Fig. 6A, and the "vacuum" feature of new claims 47, 57 and 59 is also described on these pages.

Applicant further disagrees that parts of applicant's invention are "admitted prior art" and believes such a conclusion is in error. For example, "restoring the pipes of the existing piping system to service is less than within approximately twenty four hours to approximately ninety six hours" in claim 10, and the "24" to "96" hour time frame of claim 52 is NOT well known. Existing restoration projects require pipes to be taken out, fixed and replaced which cannot normally be done in such a limited time frame. The other features of the claims not supported by the prior art are also believed to NOT be admitted prior art. Applicant again requests the examiner specifically point out which uncited references support such conclusions.

Claims 10-18 were rejected under sec. 112, second paragraph as being indefinite. Claim 10 was rejected for not listing a minimum time frame to restore the pipes which is now claimed in claim 10 and is supported on at least page 9 of the application. The

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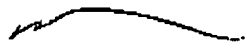
rejection of claim 11 as referring to "and greater" is now moot since this language has been canceled. The rejection of claim 12 as not limiting the "thicknesses" is now moot since the claim has been amended.

Claims 10-18 were rejected under sec. 103 over Kruse. This rejection is now moot in view of the amendments to the claims and the arguments listed above.

Applicant contends the references cannot be modified to incorporate the features of subject claims 10-18, and 43-61 without utilizing Applicant's disclosure. The courts have consistently held that obviousness cannot be established by combining the teachings of the prior art to Applicant to produce the claimed invention, absent some teaching, suggestion, incentive or motivation supporting the combination.

In view of the foregoing considerations, it is respectfully urged that claims 10-18 and 43-61 be allowed. Such action is respectfully requested. If the Examiner believes that an interview would be helpful, the Examiner is requested to contact the attorney at the below listed number.

Respectfully Submitted;



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Date

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